

## Introduction

For children born to unmarried parents, establishing paternity is essential to obtain a child support order and to collect legally ordered child support. Establishing paternity also provides access to social security, pension, and retirement benefits; health insurance and information; and interaction with members of both parents' families.

Many fathers voluntarily acknowledge paternity. However, the alleged father must be aware that by voluntarily accepting paternity, he will be financially liable for the child until that child turns 18 or older (depending on state law). If a purported father denies paternity, a judge may order a blood or genetic test and make a ruling on the basis of testimony and test results. Laboratory tests can be presented as evidence to establish the relationship between a father and the child. The results can also be used to exclude a man wrongfully believed to be the father. If the father accepts that he is, in fact, the father, a legal document certifying his paternity is prepared.

## OTHER RESOURCES

Department of Health and

Human Services:

<http://www.hhs.gov/children/supportmilitaryfamilies.html>

### Legal Assistance Hours:

By Appointment Only

### Notary Hours:

Monday-Thursday  
0900-1500



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# ESTABLISHING PATERNITY

### This Brochure Includes:

- Paternity Tests
- Child Support Enforcement Program
- Air Force Policy
- Garnishment/Allotments
- Other Resources



The information in this brochure is of a general nature and is not intended as a substitute for legal counsel.

Last updated May 2014

## Where Do I get a Paternity Test?

First, the blood of the mother, alleged father, and child will all be tested, so there can be no test until the child is actually born. If you need to have a paternity test, you must contact a lab that will provide such services. Many states have child support enforcement agencies that have their own contracts with labs and will tell you which lab must be used.

The base hospital here at Yokota does NOT conduct paternity tests.

However, the hospital at Yokosuka does help with paternity testing. The individual will need to first order a testing kit by going to

<http://www.aabb.org/sa/facilities/Pages/RTTestAccrFac.aspx>

and finding one of the accredited parentage testing facilities. The individual should have the kit mailed directly to Yokosuka Hospital at:

U.S. Naval Hospital, Code 041  
PSC 475 Box 1  
FPO, AP 96350-1600

The hospital will call and set up an appointment with the individual when the kit arrives. For more information you can call Yokosuka at DSN: 243-5333 or via fax at 243-8564.

Japanese law prohibits the mailing of bio-hazardous materials through regular mail, so you will need to send the package through a commercial carrier.

## Child Support Enforcement Program

The Child Support Enforcement (CSE) Program is a federal, state, and local effort to establish paternity and to collect child support from parents who are legally obligated to pay. State enforcement programs locate absent parents, establish paternity when necessary, establish and enforce support orders, and collect child support payments.

The CSE program is usually administered through state and county social services departments. In situations where the mother and child reside in a

state other than the state where the father resides, usually the state where the mother and child reside is the most appropriate forum to handle the paternity case.

If a state does not have jurisdiction over the alleged father, the mother may not be able to obtain a court order for child support. However, if the alleged father is finally determined to be the father by a court, and the court requires the back-payment of child-support, the military member father may have to pay for back-support without the benefit of with-dependent-rate BAQ. Therefore, in addition to a moral obligation a father would have in identifying himself as the father of a child, it may be advisable for a father to consent to the jurisdiction of a court early in the paternity process so that the member can claim the child as a dependent and use the with-dependent-rate BAQ to assist in child support.

## Air Force Policy

Pursuant to AFI 36-2906, Air Force members are expected to provide adequate financial support to family members. In the case of paternity, support is required where:

- Valid proof of paternity has been established through a court order or
- An Air Force member voluntarily acknowledges paternity.

In the absence of a court order identifying the airman as the father of the child and directing financial support, he has no legal obligation to provide financial support to a child alleged to have been born to him out of wedlock. An airman, however, may voluntarily admit paternity and agree to provide financial support. An alleged father should see an attorney before making a voluntary admission of paternity.

If the airman is receiving BAQ at the with-dependent rate based solely on the voluntary admission of paternity and fails to provide such financial support the appropriate finance and accounting office will be informed, resulting in termination of BAQ entitlement at the with-dependent rate. Additionally, the Air Force will recoup the with-dependent rate BAQ received by the member during periods of non-support.

In the absence of a court order or voluntary admission, the Air Force will not require an airman to support a child born out of wedlock. Requests for assistance should then be referred to the child support enforcement agency in the state where the child resides or to a civilian attorney.

## Garnishment and Allotment

There are two primary methods of collecting military pay involuntarily from a military member for child support based on a court order:

1. **Garnishment of Military Pay:** Federal law authorizes the garnishment of pay of members to enforce child support orders in accordance with state law. Many states will automatically require payment by garnishment in the child support order.

Unless state law specifies a lesser amount, federal law provides a limit of 50 percent of the member's aggregate disposable earnings for any workweek if the member is currently supporting a second family (spouse or child) and 60 percent if the member is not supporting a second family.

2. **Statutory Allotments for Child Support:** Federal law authorizes allotments from military pay to satisfy child support obligations. Statutory allotments may be initiated when child support payments are at least 2 months outstanding.

An allotment is initiated by furnishing DFAS-Cleveland with a written notice from a court or state agency administering the child support program under Title IV-D of the Social Security Act. Allotment cannot exceed 50 percent of a member's pay and allowances if the member is supporting a second family. If the member is not supporting a second family, the allotment may not exceed 60 percent.

After DFAS receives the request, DFAS notifies the member's commander. The commander will then notify the member. The member will have 30 days to cure the outstanding child support payments or the DFAS will implement the allotment.